

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

NATALIE M. SWAIN, an individual,

Plaintiff,

v.

Case No: 8:20-cv-512-T-35AEP

**CJS LEGAL SERVICES, INC., a Florida
for-profit corporation,**

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion to Tax Attorneys' Fees. (Dkt. 23) In the motion, Plaintiff seeks attorneys' fees in the amount of \$5,215.00. (Id.) Defendant did not respond to the motion. On October 15, 2020, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, recommending that Plaintiff's motion be granted in part and denied in part and that Plaintiff be awarded fees in the amount of \$3,000.00. (Dkt. 24) Neither party has filed an objection to the Judge Porcelli's Report and Recommendation, and the time to do so has now passed.


After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires

that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 24), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. Plaintiff’s Motion for Attorney Fees, (Dkt. 23), is **GRANTED IN PART** and **DENIED IN PART**.
3. Plaintiff is awarded fees in the amount of \$3,000.00.

DONE and **ORDERED** in Tampa, Florida, this 3rd day of December, 2020.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person